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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
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13 In re: Apple Inc. Securities Litigation

Case No. C 06-5208 JF

14 This document relates to: ALL ACTIONS

CLASS ACTION

[PROPOSED] ORDER

1 The Court finds that the objection of Patrick Pezzati provided a material benefit to the class by
 2 causing the amendment of the settlement to provide an additional \$2.5 million for the Settlement Fund,
 3 the amount of which was actually received by the class. This was 15.5% of the total class pecuniary
 4 recovery. As such, Pezzati is entitled to attorneys' fees and costs, and an incentive payment for his
 5 willingness to come forward and bring an objection that resulted in so much benefit to the class.

6 The Court further finds that equity requires that these amounts be deducted from Class Counsel's
 7 proposed fee award, and that Pezzati's counsel receive a share of the fees proportionate to the additional
 8 class recovery. *Rodriguez v. West Publishing Corp.*, 563 F.3d 948, 963 (9th Cir. 2009); *Reynolds v.*
 9 *Beneficial Nat. Bank*, 288 F.3d 277, 288 (7th Cir. 2002); *In re Prudential Ins. Co. of Am.*, 273 F. Supp.
 10 2d 563, 572 (D.N.J. 2003), *aff'd* 103 Fed. Appx. 695, 697 (3rd Cir. 2004).

11 The Court thus awards _____ in attorneys' fees and _____ in costs to the Center
 12 for Class Action Fairness, LLC, and finds that this award of fees and costs is fair and reasonable as a
 13 proportion of the \$2.5 million benefit provided to the class. The court further awards an incentive
 14 payment of _____ to Mr. Pezzati, payable by Class Counsel.

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 16 Dated: _____, 2011

 The Honorable Jeremy Fogel
 United States District Judge

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 20 Submitted by:

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